MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2015/2016

ULB2612 – LABOUR LAW

(All Sections / Groups)

2 JUNE 2016
Reading Time : 9.00 a.m – 9.15 a.m
(15 Minutes)
Answering Time: 9.15 a.m – 12.15 p.m
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only.

3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL copy of:

   i. Employment Act 1955;
   ii. The Employees Social Security Act (SOCSO) 1969.

5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

Since 1919, the International Labour Organization has maintained and developed a system of international labour standards aimed at promoting opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and dignity. In today's globalized economy, international labour standards is an essential component in the international framework for ensuring that the growth of the global economy provides benefits to all.

The challenges of globalization have made international labour standards more relevant than ever. What benefits do they provide today? Discuss.

(Total marks: 25)

QUESTION 2

a) Distinguish the terms "truck system" and "wage period". Explain your answer briefly

(10 marks)

b) Angee, single, has been an active member of the Social Security System for the past 20 months. She became pregnant out of wedlock and on her 7th month of pregnancy, she was informed that she would have to deliver the baby through caesarean section because of some complications.

Can Angee claims maternity benefits? If yes, how many days can she go on maternity leave? If not, why is she not entitled?

(15 marks)

(Total marks: 25)

Continued...

QUESTION 3

"A contract of service exists if these three conditions are fulfilled.

(i) The servant agrees that, in consideration of a wage or other remuneration, he will provide his own work and skill in the performance of some service for his master. (ii) He agrees, expressly or impliedly, that in the performance of that service he will be subject to the other's control in a sufficient degree to make that other master. (iii) The other provisions of the contract are consistent with its being a contract of service."

[MacKenna J in Ready Mixed Concrete (South East) Ltd v. MPNI [1968] 2 QB 497]

Based on the above statement, discuss the tests and approach used by law courts in order to determine whether a contract is a contract of service or a contract for service. Support your answer with decided cases.

(Total marks: 25)

QUESTION 4

Young Soo has always been a good employee and has carried out his duties and responsibilities with care and diligence. He also studied law but had discontinued due to financial reasons. He was told that one of the employees in his division, by the name of Han Ki Tak was removed without a show cause letter and was not allowed to explain his side of story. Young Soo went over to Han Ki Tak's house and explained to him his rights. Young Soo's manager came to know what Young Soo had done and two days later Young Soo was told that he is being dismissed under s 14 of the Employment Act 1955.

Young Soo was unclear as to his position. Advise him.

(Total: 25 marks)

Continued...

QUESTION 5

The Employers' Social Security Act was introducing in 1969 and now, it applies throughout Malaysia. The Act aims to provide protection for employees (as defined under the Act) and their families against economics and social distress in situations where the employees sustain injury or death.

SOCSO (Social Security Organization), also known as PERKESO (Pertubuhan Keselamatan Sosial), was established to provide social security protections to all employees/workers in Malaysia.

Every company is required to contribute SOCSO for its employees, whether they are full/part time, permanent or temporary, employment or contract. A company must remit the contribution sum to Perkeso Office before the end of the following month.

Based on the above statement, what are the schemes currently covered by the Act.

(Total: 25 marks)

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